

08/13/01



JC965 U.S. PTO

PENNIE &amp; EDMONDS LLP DOCKET NO. 6923-106

Express Mail No.: EL 501 641 171 US

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Saunders, D.Art Unit 1642

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231



Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 08/687,707 filed on July 26, 1996.

of Richard Kolesnick and Edward H. Schuchman  
(inventor(s) currently of record in prior application)

for METHODS FOR THE MODULATION OF ACID-SPHINGOMYELINASE-MEDIATED APOPTOSIS  
(title of invention)

1. ☒ The filing fee is calculated below:

## PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	13	-20	0	\$18.00 each	\$ 0.00
Independent	4	-3	1	\$80.00 each	\$ 80.00
Basic Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 270.00
Total					\$ 1,060.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 530.00
Total Filing Fee					\$ 530.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3. ☒ Amend the specification by inserting before the first line the following sentence: This is a continuation of application no. 08/687,707, filed July 26, 1996.

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- 4a. ☐ New formal drawings are enclosed.

- 4b. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☒ The prior application is assigned of record to Sloan-Kettering Institute for Cancer Research (Reel 011301, Frame 0391); and Mount Sinai School of Medicine of New York University (Reel 011301, Frame 0403).
- 7a. ☒ A copy of the Power of Attorney (in 2 counterparts) filed in the prior application no. 08/687,707, filed July 26, 1996, is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
- 8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
- 9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
- 10. ☒ Additional enclosures or instructions: Copies of Small Entity Statements for Sloan-Kettering Institute for Cancer Research and Mount Sinai School of Medicine of New York University, filed in connection with priority application no. 08/687,707.

Respectfully submitted,

Date

August 13, 2001

Geraldine F. Baldwin 31,232  
 (Reg. No.)  
 PENNIE & EDMONDS LLP  
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Please type a plus (+) inside this box -

08-14-01

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PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 6923-106 Total Pages 58

First Named Inventor or Application Identifier

Kolesnick

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**APPLICATION ELEMENTS**  
See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form in duplicate [Total Pages **4**]  
Submit an original, and a duplicate for fee processing)
2. ☒ Specification (including 3 pp. claims and a 1p. abstract) [Total Pages **38**]  
(preferred arrangement set forth below)  
-Descriptive title of the Invention  
-Cross Reference to Related Applications  
-Statement Regarding Fed sponsored R&D  
-Reference to Microfiche Appendix  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description of the Invention (including drawings, if filed)  
-Claim(s)  
-Abstract of the Disclosure
3. Drawing(s) (35 USC 113) - 7 Figures [Total Sheets **8**]
4. ☒ Oath or Declaration and Power of Attorney in 2 counterparts [Total Sheets **4**]  
☐ Newly executed (original or copy)  
☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Copy  
b. ☐ Paper Copy (identical to computer copy)  
c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14. ☒ Applicants claim Small Entity status, see 37 C.F.R. § 1.27  
(Copies of small entity statements from 08/687,707) [Total Sheets **4**]
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Other:

**17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 08/687,707 filed July 26, 1996.

**18. CORRESPONDENCE ADDRESS**

Customer Number: 20583

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.